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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	14	Attorney Docket Number	28079/41333
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Complete if Known

Application Number	07/827,906-Conf. #3375
Filing Date	January 30, 1992
First Named Inventor	Kenneth A. Barton
Art Unit	1638
Examiner Name	A. R. Kubelik
Attorney Docket Number	28079/41333

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1*	US-4,356,270	10-26-1982	Itakura	
	A2*	US-4,448,885	05-15-1984	Schnepf et al.	
	A3*	US-4,771,131	09-13-1988	Hernstadt et al.	
	A4*	US-4,943,674	07-24-1990	Houck et al.	
	A5*	US-5,082,767	01-21-1992	Hatfield et al.	
	A6*	US-5,250,515	10-05-1993	Fuchs et al.	
	A7*	US-5,254,799	10-19-1993	De Greve et al.	
	A8*	US-5,270,200	12-14-1993	Sun et al.	
	A9*	US-5,495,071	02-27-1996	Fischhoff et al.	
	A10*	US-5,496,732	03-05-1996	Smigocki et al.	
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	A12*	US-5,567,600	10-22-1996	Adang et al.	
	A13*	US-5,567,862	10-22-1996	Adang et al.	
	A14*	US-5,625,136	04-29-1997	Koziel et al.	
	A15*	US-5,689,052	11-18-1997	Brown et al.	
	A16*	US-5,763,241	06-09-1998	Fischhoff et al.	
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	A21*	US-6,204,246	03-20-2001	Bosch et al.	
	A22*	US-6,284,949	09-04-2001	Fischhoff et al.	
	A23*	US-6,320,100	11-20-2001	Koziel et al.	
	A24*	US-6,403,865	06-11-2002	Koziel et al.	
	A25*	US-6,689,356	02-10-2004	Zlotkin et al.	
	A26*	US-6,833,449	12-21-2004	Barton et al.	
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	A28*	US-07/285,924	12-19-1988		
	A29*	US-07/286,002	12-19-1988		
	A30*	US-07/286,087	12-19-1988		
	A31*	US-07/320,195	03-07-1989		

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		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
	B1	AU-B-46881/89	06-21-1990	CIBA-GEIGY AG		
	B2	EP-0063949	11-03-1982	The Board of Regents of the University of Washington		
	B3	EP-0108580	05-16-1984	Standard Oil Company		✓
	B4	EP-0126546	03-30-1984	Lubrizol Genetics, Inc.		

Examiner Signature	/Anne Kubelik/	Date Considered	02/02/2009
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	B5	EP-0140556	05-08-1985	Agrigentic Res. Ass.		
	B6	EP-0159884	10-30-1985	Agrigentic Res. Ass.		
	B7	EP-0431829	06-12-1991	Agracetus, Inc.		
	B8	EP-0275957	07-27-1988	Hoeschst AG		
	B9	EP-0318143	05-31-1989	Lubrizol Genetics, Inc.		
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	B11	EP-0612848	08-31-1994	Sandoz Erfindungen Verwaltungsgesellschaft M.B.H.		
	B12	JP-63137684	06-09-1988	Sumitomo Chem. Co. Ltd.		
	B13	JP-1104177	04-21-1989	Sumitomo Chem. Co. Ltd.		
	B14	WO-8808880	11-17-1988	Ecogen, Inc.		
	B15	WO-9010076	09-07-1990	Monsanto Company		
	B16	WO-9015139	12-13-1990	Plant Genetics Systems, N.V.		
	B17	WO-9110725	07-25-1991	Biotechnica International, Inc.		✓
	B18	WO-9307278	04-15-1993	CIBA-GEIGY AG		✓

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	C1	Adami et al., "Adenovirus mRNA Processing - In a Regulated Manner a Splice Site Choice Dominates Over Selection of a Poly A Site Located in an Intron," <i>RNA Processing Meeting</i> , pp. 26, May 11-15 (1988).	
	C2	Adang et al., "Characterized Full-Length and Truncated Plasmid Clones of the Crystal Protein of <i>Bacillus Thuringiensis</i> subsp. <i>Kurstaki</i> HD-73 and their Toxicity to <i>Manduca Sexta</i> ," <i>Genes</i> , 36:289-300 (1985).	
	C3	Adang et al., "Engineering Crop Plants for Insect Resistance," <i>154th National American Assoc. Adv. Sci.</i> , pp. 59, Feb. 11-15 (1988).	
	C4	Adang et al., "Expression of a <i>Bacillus Thuringiensis</i> Insecticidal Crystal Protein Gene in Tobacco Plants," <i>Mol. Strat. Crop Protec.</i> , 345-353 (1987).	
	C5	Adang et al., "The Reconstruction and Expression of a <i>Bacillus Thuringiensis</i> CryIIIA Gene in Protoplasts and Potato Plants," <i>Plant Mol. Biol.</i> , 21:1131-1145 (1993).	

Examiner Signature	/Anne Kubelik/	Date Considered	02/02/2009
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Substitute for form 1449/PTO			Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	07/827,906-Conf. #3375
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			First Named Inventor	Kenneth A. Barton
			Art Unit	1638
			Examiner Name	A. R. Kubelik
			Attorney Docket Number	28079/41333
Sheet	3	of	14	

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	C6	Aota et al., "Codon Usage Tabulated from the GenBank Genetic Sequence Data," <i>Nucl. Acids Res.</i> , 16(Supp): r315-r402 (1988).	
	C7	Aronson et al., "Bacillus Thuringiensis and Related Insect Pathogens," <i>Microbiol. Rev.</i> , 50(1):1-24 (1986).	
	C8	Audtho et al., "Production of Chymotrypsin-Resistant Bacillus Thuringiensis Cry2Aa1 δ -Endotoxin by Protein Engineering," <i>Appl. Environ. Microbiol.</i> , 65(10):4601-4605 (1999).	
	C9	Barker et al., "Nucleotide Sequence of the T-DNA Region from the Agrobacterium tumefaciens Octopine Ti Plasmid pTi15955," <i>Plant Mol. Biol.</i> , 2:335-350 (1983).	
	C10	Barton et al., "Production of Bacillus Thuringiensis Insecticidal Proteins in Plants," <i>Transgenic Plants</i> , 1:297-315 (1993).	
	C11	Barton et al., "Prospects in Plant Genetic Engineering," <i>Science</i> , 219:671-676 (1983).	
	C12	Barton et al., "Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny," <i>Cell</i> , 32:1033-1043 (1983).	
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	C17	Borlaug, "Contributions of Conventional Plant Breeding to Food Production," <i>Science</i> , 219:689-693 (1983).	
	C18	Boudraa, "Coding Strategy Variation in the Plant System," <i>Genet. Sel. Evol.</i> , 19:143-154 (1987).	
	C19	Bozouklian et al., "Nucleotide Sequence of the Azospirillum Brasilense Sp 7 Glutamine Synthetase Structural Gene," <i>Biochimie</i> , 68:1181-1187 (1986).	
	C20	Brady et al., "Competition Between Splicing and Polyadenylation Determines which Adenovirus Region E3 mRNAs are Synthesized," <i>RNA Processing Meeting</i> , pp.224, May 11-15 (1988).	
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**INFORMATION DISCLOSURE
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Filing Date	January 30, 1992			
First Named Inventor	Kenneth A. Barton			
Art Unit	1638			
Examiner Name	A. R. Kubelik			
Attorney Docket Number	28079/41333			

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	C26	Caplan et al., "Introduction of Genetic Material into Plant Cells," <i>Science</i> , 222:815-821 (1983).	
	C27	Chilton et al., "Tailoring the Agrobacterium Ti Plasmid as a Vector for Plant Genetic Engineering," <i>Stadler Symposium</i> , 13:39-51 (1981).	
	C28	Chilton, "A Vector for Introducing New Genes into Plants," <i>Scientific American</i> , 248:51-59 (1983).	
	C29	Church et al., "Genomic Sequencing," <i>PNAS USA</i> , 82:1991-1995 (1984).	
	C30	Conway et al., "Identification of Bases and Phosphates of SV40 Late Pre-mRNAs that are Required for 3' End Formation <i>In Vitro</i> ," <i>RNA Processing Meeting</i> , pp.40, May 11-15 (1988).	
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	C32	Dalbadie et al., "Oligonucleotide-Directed Mutagenesis as a General and Powerful Method for Studies of Protein Function," <i>PNAS USA</i> , 79:6409-6413 (1982).	
	C33	Dandekar et al., "Low Levels of Expression of Wild Type <i>Bacillus Thuringiensis</i> var. <i>Kurstaki</i> Cry(Ia) (c) Sequences in Transgenic Walnut Somatic Embryos," <i>Plant Science</i> , 96:151-162 (1994).	
	C34	De Cleene et al., "The Host Range of Crown Gall," <i>Botanical Review</i> , 42:409-413 (1976).	
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	C36	Dean et al., "mRNA Transcripts of Several Plant Genes are Polyadenylated at Multiple Sites <i>In Vivo</i> ," <i>Nucl. Acids Res.</i> , 14:2229-2240 (1986).	
	C37	Dedrick et al., "Purified RNA Polymerase II Recognizes Specific Termination Sites During Transcription <i>In Vitro</i> ," <i>J. Biol. Chem.</i> , 262:9098-9108 (1987).	
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	C41	Donovan et al., "Amino Acid Sequences and Entomocidal Activity of the P2 Crystal Protein," <i>J. Biol. Chem.</i> , 263:561-567 (1988).	
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	C48	Fujimura et al., "Regeneration of Rice Plants from Protoplasts," <i>Plant Tissue Culture Lett.</i> , 2(2):74-75 (1985).	
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	C55	Goldsbrough et al., "Expression of Maize Zein Genes in Transformed Sunflower Cells," <i>Mol. Gen. Genet.</i> , 202:374-381 (1986).	
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	C65	Gritz et al., "Plasmid-Encoded Hygromycin B Resistance: The Sequence of Hygromycin B Phosphotransferase Gene and its Expression in <i>Escherichia coli</i> and <i>Saccharomyces cerevisiae</i> ," <i>Gene</i> , 25:179-188 (1983).	
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	C70	Herrera-Estrella et al., "Expression of Chimeric Genes Transferred into Plant Cells Using a Ti-Plasmid-Derived Vector," <i>Nature</i> , 303:209-213 (1983).	
	C71	Hilder et al., "A Novel Mechanism of Insect Resistance Engineering into Tobacco," <i>Nature</i> , 330:160-163 (1987).	
	C72	Hinchey et al., "Production of Transgenic Soybean Plants Using <i>Agrobacterium</i> -Mediated DNA Transfer," <i>Bio Technol</i> , 6:915-922 (1988).	
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				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	13	of	14	Attorney Docket Number	28079/41333

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Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	C199	Wong et al., "Cloning and Nucleotide Sequence of the Gene Coding for a 135-KDAL Protein of <i>Bacillus Thuringiensis</i> Aizawai," <i>XXI Ann. Meeting Soc. Inv. Pathol., USCD</i> , pp.27(13), Aug. 14-18 (1988).		
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	C208	Appendix A of Pazuniak's letter to Gass, Opposition decision, EP Patent No. 0 385 962, dated July 25, 2008.		
	C209	Annex I to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 413 040, dated November 16, 2005.		
	C210	Annex II to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 385 962, dated November 7, 2005.		
	C211	Annex III to Appendix A of Pazuniak's letter to Gass, Figures 2A, 3A, 4A, and 12A of European patent EP 0 413 019.		
	C212	Annex IV to Appendix A of Pazuniak's letter to Gass, Auxiliary Request II, EP 0 385 962, dated November 7, 2005.		
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	C214	Request for Opposition against European Patent EP-B-0-385-962 granted in the name of Monsanto Technology LLC by Aventis CropSciences N.V., July 18, 2001.		

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Sheet	14	of	14	Attorney Docket Number	28079/41333

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	C215	Request for Opposition against European Patent EP-B-0 385 962 by Dow Agrosciences LLC, dated April 18, 2002.	
	C216	Request for Opposition against European Patent EP-B-0 385 962 by Syngenta Ltd, dated April 11, 2002.	
	C217	Walker Declaration of Keith A. Walker 37 C.F.R. § 1.132 filed on June 10, 1991 before the United States Patent and Trademark Office.	

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